



Minutes of the State Board of Health

October 18, 2006

Yakima Convention Center, 10 North 8th St, Yakima, WA 98901-2515

SBOH members present:

Kim Marie Thorburn, MD, MPH, Chair
The Honorable Mike Shelton, Vice Chair
The Honorable David Crump, PhD
Keith Higman
Frankie T. Manning, MN, RN

Patricia Ortiz, MD
Mary Selecky
Mel Tonasket
Karen VanDusen

State Board of Health Staff present:

Craig McLaughlin, Executive Director
Desiree Robinson, Executive Assistant
Heather Boe, Communications Consultant
Christy Curwick, Health Policy Analyst

Laurie Fait, Administrative Assistant
Ned Therien, Health Policy Analyst
Tara Wolff, Health Policy Analyst
Melissa Burke-Cain, Assistant Attorney General

Guests and Other Participants:

Anne Alfred, Seattle-King County Public Health
Sofia Aragon, Department of Health
Gary Arthur, Issaquah Education Association
Julie Awbrey, Spokane Regional Health District
Nancy Bernard, Department of Health
Art Busch, Washington Education Association
L. Darrell Cochran, Thurston County Public Health
& Social Services
Mark Cooper, Citizen
Eric Dickson, ESD 101
W.J. Doescher, Yakima Health District
Martin J. Durkan, Jr., Williams Scotsman
Ron Gamache, Yakima Board of Health
James Green, Children of Washington State
Aileen Haag, Department of Health
Patricia Jatczak, Office of Superintendent of Public
Instruction
Jessica Johnson, Yakima Health District
Jim Kerns, Citizen
Dennis Klukan, Yakima Health District
Cathy Kooy, Citizen
Mary Sue Linville, Washington Schools Risk
Management Pool
Teresa Mosqueda, Department of Health

Nancy Napolilli, Department of Health
Kim Neill, William Scotsman
Tim Nogler, Building Code Council
Jan Odano, Washington State Senate
Richard Onizuka, Health Care Authority
Kathy O'Toole, Washington Education Association
Gil Paganini, Labor and Industries
Bill Panos, Office of Superintendent of Public
Instruction
Bruce Perkins, Benton-Franklin Health District
Lezlie Perrin, Labor and Industries
Charles Ross, City of Naches
Steven Saxe, Department of Health
Mark Soltman, Department of Health
Art Stagg, Thurston County Environmental Health
Denise Stiffarm, Citizen
Pam Tollefsen, Office of Superintendent of Public
Instruction
Chris Townley, Department of Health
Jill VanGlubt, Washington Education Association
Mark Wanke, Grant County Health District
John Wolpers, Whatcom County Health
Department
David Zamora, Department of Agriculture

Dr. Kim Marie Thorburn, WSBOH Chair, called the public meeting to order at 9:06 a.m. and read from a prepared statement (on file).

1. APPROVAL OF AGENDA

Motion: Approve October 18, 2006 agenda

Motion/Second: Shelton/VanDusen. Approved unanimously

2. ADOPTION OF JULY 12, 2006 MEETING MINUTES

Motion: Approve the July 12, 2006 minutes

Motion/Second: Higman/Manning. Approved unanimously

3. NEW MEMBER AND STAFF INTRODUCTIONS

Craig McLaughlin, WSBOH Executive Director, introduced new SBOH member Patricia Ortiz, MD and staff members Laurie Fait, Secretary Senior, and Christy Curwick, Health Policy Analyst.

4. WELCOME/LOCAL ISSUES

Ron Gamache, Chair, Yakima Health District Board of Health and Dennis Klukan, Yakima Health District welcomed the Board to Yakima and made a few opening remarks. Jessica Johnson, Yakima Health District described recent surveys the Health District conducted regarding community health concerns, gaps in service, and public health needs. She stated that their next step would be to conduct a MAPP process, which is a community assessment tool promoted by the National Association of County Health Officials (NACHO). Charles Ross, Mayor of Naches and Yakima, complemented the Health District on its development of the community partnership model.

Board Member Keith Higman asked if Yakima Health District had used or planned to integrate Behavioral Risk Factor Survey System (BRFSS) data into its community assessment work. Ms. Johnson said that tool would be part of the survey mix in the future. Mr. Klukan commented that Yakima County was blessed with three government-supported community health centers, three hospitals, and government health services for the Yakama Nation. Board Member Karen VanDusen noted that the enforcement of rules and regulations questions had only garnered 36% on the survey. She was curious about this finding as the Board has heard a lot about enforcement issues concerning school rules. Ms. Johnson noted that respondents may not have interpreted the question uniformly and that schools had low response rates. Board Member David Crump asked whom the survey might have missed. Ms. Johnson said the police and school personnel were not specifically included. Mr. Klukan added that pharmacists and more members of the public would be useful additions to the survey sample. Board Member Frankie Manning asked for some demographic information about the county, especially regarding farm workers. Mr. Gamache responded that the population of Yakima County is 229,000. He said that the farm worker population has become less transient in recent years, finding year-around employment in the area and buying homes. Mr. Klukan stated that the community had an excellent rate of flu immunizations through the private sector. Board Member Mike Shelton asked about plans to use the data about mental health services. Mr. Klukan replied that the survey drew attention to the issue in the county and allowed people to focus on addressing those problems. Member Shelton asked if the public health model could be applied to the mental health system. Mr. Klukan explained that the Children's Village, a co-location of multiple agencies, could be expanded to include mental health care services for children. Chair Thorburn asked whether the Yakima Health District was planning to implement a school environmental health program. Mr. Klukan stated that the Health District is interested in developing a school environmental health program, as long as funding is provided and the rule is based on science.

The Board took a break at 10:08 a.m. and reconvened at 10:15 a.m.

5. SCHOOL ENVIRONMENTAL HEALTH AND SAFETY–STATE AGENCY AUTHORIZATION AND PROGRAMS

Mr. Higman explained that the draft school environmental health and safety rule presented to the Board was based on imperfect information and the Board needed a clearer picture of how various state agency authorities impact school health and safety. Ned Therien, WSBOH Staff, introduced the speakers, Gregg Grunenfelder, Department of Health, Bill Panos, Office of Superintendent of Public Instruction, David Zamora, Department of Agriculture, Lezlie Perrin, Department of Labor and Industries, and Tim Nogler, Building Code Council. He gave a PowerPoint presentation (see tab 5) that summarized the school environmental health and safety shared responsibilities of a number of agencies. Member Crump asked what happened to fees collected for non-compliance. Melissa Burke-Cain, Assistant Attorney General, explained that failure to comply with a Board rule is a misdemeanor and penalties would go to local funds if local prosecutors chose to enforce it. Chair Thorburn and Member Crump pointed out that there is not a “clear bright line” between authorities of different agencies in school environmental health and safety. Collaboration between agencies is important. Mike Shelton, WSBOH Member recommended that the word “political” be removed from the last slide of Mr. Therien’s presentation.

Gregg Grunenfelder, Assistant Secretary, Department of Health, gave a presentation on the Department of Health’s school environmental health and safety consultation program. He said the Department gets all of its authority for school environmental health and safety through the Board’s rules. He described the K-12 Health and Safety Guide the Department created with the Office of Superintendent of Public Instruction. Member VanDusen asked for clarification on the how the guidance document and the rule were used when conducting school inspections. Ms. Burke-Cain explained that rules are required for enforcement and that guidelines are best practice. Historically, the intent has been for schools to be controlled at the local level. Member Shelton asked if state agencies had all met together and tackled the authorities’ issue. Mr. Grunenfelder commented that the staff had met with the many of the agencies, but are looking to the Board’s study sessions to advance the discussions. Member Manning wondered if parents were provided education on school environmental health and safety issues. Mr. Grunenfelder said probably not. Chair Thorburn commented that many local health programs have found school health advisory committees to be very helpful. Member VanDusen commented that the Department made an excellent start of discussions with the various agencies involved through the membership of the School Rule Development Committee. She also noted the importance of parent participation on that committee.

Bill Panos, Office of Superintendent of Public Instruction, gave an overview of OSPI’s role related to school environmental health and safety. He stressed the stratified nature of academic and administrative school operations and the importance of recognizing local authorities. Member Shelton wondered if funding was available for a local school district to take corrective action. Mr. Panos commented that would depend on local management of funds (i.e. capital reserve accounts, capital budgets, emergency funds, etc). Some funding is available from the state (i.e., emergency funds, school repair grant program, modernization, etc.). Board Member Mel Tonasket shared some of what he had heard during public testimony from parents and teachers and asked if Mr. Panos had seen the pictures of mold in school buildings. Mr. Panos said he had not seen them but that he would be happy to look at them. He also noted that there might be inconsistency about local use of resources to address issues of importance. Member

Crump requested Mr. Panos supply more detail on per capita spending and role of OSPI with private schools and tribal governments. Mr. Panos agreed to supply more detail on the regulation of home schools and private schools. Member Manning asked how OSPI ensured that school buildings meet construction codes. Mr. Panos explained that a multi-disciplinary team was involved at the local level. He also explained that OSPI conducts audits and holds money back when there is non-compliance. Member VanDusen asked if a database of corrective actions needed by districts or schools existed for the state. Mr. Panos answered that this was not available.

David Zamora, Department of Agriculture, gave an overview of that agency's authorities and activities in schools related to pesticide use. He said licensed childcare facilities must also comply with requirements for use of pesticides, notification of parents, and posting in schools. He commented that compliance has been mixed, but is improving. He said that working with educational service districts and the Washington Association of Maintenance and Operations Administrators has been useful. He said his agency would support policies to encourage schools practice integrated pest management. He has noticed the use of inappropriate pesticides brought into school by staff. A particular problem is the use "home-brewed" pesticides, which his agency may not have authority to regulate. Home-brewed pesticides are not tested for safety nor do they have proper use instructions. Member Manning wondered if instructions were provided to school staff on purchase and storage of insecticides. Mr. Zamora replied that this occurred in some schools. Member Higman asked if the Department of Agriculture had developed strategies to address areas of low compliance at the district level. Mr. Zamora indicated that this occurs and that many people in the district are involved in helping ensure an effective corrective response and enforcement action. Member VanDusen wondered if parent are notified when pesticides are applied at properties adjacent to the schools. Mr. Zamora said there are no requirements to notify parents regarding such applications.

Lezlie Perrin, Department of Labor and Industries (L & I), gave a presentation on the Division of Occupational Safety and Health's jurisdiction over worker protection related to schools (see presentation). She said that her agency does not do routine school inspections. It mainly gets involved through complaints from employees or referrals from local health agencies or physicians. Since 1985, L & I has conducted 872 compliance inspections of schools, about half for safety and half for industrial hygiene. She said L & I also had a consultation program schools can utilized. She said L & I considers the control of mold to be a maintenance issue. The goal is preventing moisture problems. Member Tonasket asked about lead in drinking water, fiberglass exposure, and hazardous exposure levels for children verses adults. Ms. Perrin explained that lead in drinking water was better controlled by other agencies. She said that there are workplace standards for fiberglass, but it could be an irritant well before those standards are exceeded. She also said workplace standards focus on adults. Member Crump wondered when L & I inspected HVAC systems. Ms. Perrin explained that inspections are triggered when a complaint is filed or when there is a wall-to-wall site inspection. Member Higman asked for clarification about L & I could address indoor air quality issues in a school setting. Ms. Perrin explained that an employee can file a complaint and that this can result in an on-site inspection. Theoretically, this can result in a citation if there is a standard that must be met. Member Higman asked about mold exposure issues. Ms. Perrin said rules and laws do not set standards for mold levels, so L & I tries to address the issues through a consultative approach. Member VanDusen asked how "home-brewed" pesticides used in a workplace were handled by L & I. Ms. Perrin explained that L & I can enforce this because they have applicable rules. She said the name of an employee who files a complaint is protected from disclosure.

Tim Nogler, Building Code Council gave a presentation on the work of the Washington State Building Code Council (see presentation). He said the first statewide codes were adopted in 1974. Prior to that, building codes were adopted locally only. He said that the Council has a mandate to eliminate conflicting codes. He said that all enforcement is done at the local level. He encouraged the Board to work with the Council. Member VanDusen asked when buildings are covered by the building codes. Mr. Nogler explained that building code application is linked to new construction and remodel of existing structures. The version of the code in existence at the time of construction or remodel is applicable. He indicated that if there is a change of occupancy (i.e. office building to school building) then the existing building code will apply. Member Crump asked for clarification on local adoption of codes. Mr. Nogler replied that the local rule must be at least as stringent as the state code. Member Higman asked if the Council had any authority over local officials regarding enforcement. Mr. Nogler said if a person thought that enforcement was not happening, the complaint would need to be taken to the local legislative authority. Chair Thorburn said that it would be a good for Mr. Nogler (or the Council chair) to return to the Board for further discussion.

The Board took a lunch break at 12:58 p.m. and reconvened at 1:35 p.m.

6. PUBLIC TESTIMONY

Gary Arthur, Washington Education Association, described a survey by a local teachers' union about indoor air quality concerns in a school. He described copies of teacher complaints he obtained from a King County School District through a Freedom of Information Act (FOIA) request. He asked for a complaint and appeals process when school districts do not respond to teacher concerns.

Jill VanGlubt, materials science teacher and WEA representative, described being ill for a year and missing two months of work she associated with dust from ductwork in her school. The district did repair the problem; however, her health was used as the "canary in the workplace" to identify the problem. She called for air quality standards L & I could use to correct indoor air quality problems in schools before people became ill. She asked the Board to include the WEA and PTA in its process.

Mark Cooper, parent and University of Washington professor, stated that all state and local health employees are authorized by law to enforce the Board's school rules. However, there is no ultimate enforcement responsibility for the rules. He stated that the draft rule the Department of Health prepared does not repair the problems with enforcement of the school rule. He provided written testimony in advance of the Board's meeting.

Cathy Kooy, ex-teacher, said she is disabled from exposure to fiberglass from ceiling tiles in the school where she worked. She stated that she developed multiple chemical sensitivity. She is unable to teach anymore because of this sensitivity. She urged the Board to adopt strict rules with standards for fiberglass exposure that will protect susceptible individuals. She provided written testimony.

Mary Sue Linville, Director of Risk Management for the Washington Schools Risk Management Pool, stated that her organization has data (going back to 1984) that demonstrates training provided by risk pools has improved safety in a measurable way. She provided written comments.

James Green, parent, stated that he would like everyone to move forward solving problems rather than discussing risk management. He provided written comments.

Member Higman asked Board staff to work with the Board's attorney to respond to questions raised by Dr. Cooper's written testimony. Member Tonasket asked Mr. Arthur to provide staff with a copy of the FOIA material he spoke about in his testimony.

7. HEALTH DISPARITIES COUNCIL AND SUBCOMMITTEE REPORT

Frankie T. Manning, WSBOH Member, gave an update on Governor's Interagency Council on Health Disparities. She reported that the Governor has appointed Vickie Ybarra as the chair. The members of the Council include representatives of all of the commissions representing communities of color, as well as all other major state agencies. She commented on the appreciation expressed by the public health community at her presentation Monday at the Joint Conference on Health for the effort to create the Council. At the conference, she heard that social determinants of health and communication with constituency groups were two important issues the Council should consider. She said it is important to hear from the public in all areas of the state. She explained that the Council must present a plan to the Governor by 2012. Tara Wolff, WSBOH Staff commented that the Council would meet on October 20 in Seattle to introduce the members to the public and to get input to help the Council begin to focus its efforts. She directed Board members attention to an invitation to the Council launch under Tab 7. Member Manning introduced Christy Curwick, Health Policy Analyst, whom the Board recently hired to lead the staff work for the Council. Board members discussed the importance getting extensive public input.

8. HEALTH INFORMATION TECHNOLOGY BRIEFING

Kim Thorburn, WSBOH Chair, stated that the legislature created a Health Information Technology and Electronic Medical Records Initiative in 2005 under SSB5064. This resulted in creation of the Health Information Infrastructure Advisory Board (HIIAB). She introduced Richard Onizuka, Health Care Authority, who serves as staff of the HIIAB. He gave a presentation describing the HIIAB and a stakeholder advisory committee. (See Tab 8) Board members discussed safety benefits that can be provided to patients by medical data sharing. Chair Thorburn commented that in order for health providers to adopt the recommendations, they need to see a benefit. Mr. Onizuka said that it is easier to get providers with large organizations to accept the concept than small private providers. Board members also commented about privacy concerns of the public and possible resistance from closed-system insurance providers (e.g., Group Health).

9. SBOH ANNOUNCEMENTS AND OTHER BOARD BUSINESS

Craig McLaughlin, WSBOH Executive Director, reported on the final printing of the State Health Report. He said the Warren Featherstone Reid Award was presented to J. Carlos Olivares at the Joint Conference on Health. Chair Thorburn requested that members begin to consider nominations for next year. Mr. McLaughlin announced the November and December Board meetings. He reported recent correspondence to People's Memorial Association and Reed Tacia. He mentioned discussions about some possible legislation regarding large on-site wastewater systems. He pointed out an article by William Foege about health disparities, a CDC report about the alarming steady increase of obesity across the country, and a New York Times article about the dangers of trans-fats. He also pointed out an invitation to the 2006 Heroes of Health Care Awards dinner on November 3. See materials behind Tab 9.

10. DEPARTMENT OF HEALTH UPDATE

Board Member Mary Selecky, Secretary of Health, reported that Washington has joined the ranks of states with human cases of West Nile virus. She said Washington can expect many more cases next year, if patterns for the rest of the country hold. She mentioned a CDC report about immunization rates. She said that she is pleased to report that Washington is now fifth best in the nation on adult smoking rates. This data is from before state law banned smoking indoors in public places. The new youth anti-smoking campaign uses the phrase: “no stank you.” The tobacco settlement funds for this advertising will be used up in 2008. After that, funding must come from the Legislature. She mentioned that the Joint Select Committee on Public Health Financing completed its work last week. The Committee recommends \$50 million of funding for public health to come from the tobacco tax. Secretary Selecky described some funding requests for consideration for next year: youth tobacco prevention; vaccines; chronic disease management; and enhancements for on-site system and shellfish protection programs. Legislative proposals include enhancements for patient safety regarding credentialing, registered counselors, and easing electronic data reporting methods. She predicts a very busy legislative session.

The Board recessed for a break at 3:23 p.m. and reconvened at 3:31 p.m.

11. BOARD MEMBER COMMENTS AND CONCERNS

Member Tonasket initiated a discussion about some of the logistics of the Board’s November study session. Member Crump asked for information about the recommendations of the Mental Health Transformation study. He also asked staff to create a Venn diagram to help show the interaction of the different agencies regarding school environmental health and safety. Ned Therien responded that Mark Soltman of DOH is working on a table to depict the overlap of agency responsibilities, similar to what Member Crump has requested. Member VanDusen asked for a future briefing about what local health jurisdictions are doing to plan for a possible pandemic flu outbreak. She also commented that she liked the organization of the meeting today, having public testimony in the middle of the day. She asked the Board to consider honoring Dr. Ward Hines, who is retiring as health officer of Snohomish County. Chair Thorburn asked staff to investigate what the Board did to honor him when he finished his terms on this Board. Chair Thorburn expressed concerns about the potential the impact West Nile virus could have on the state’s intensive care capacity.

12. ACCESS COMMITTEE REPORT – BLUE RIBBON COMMISSION ON HEALTH CARE COST AND ACCESS

Chair Thorburn, stated that the Board decided in previous meetings to provide input to the Blue Ribbon Commission on Health Care Cost and Access. The Board primarily wanted to present its concept of a menu of critical health services. The Commission invited the Board to give an oral presentation about defined benefits, which Craig McLaughlin did. Secretary Selecky, who is a Blue Ribbon Commission member, said she sees her role as a commissioner is to make sure certain information is provided to the Commission. She pointed out the Problem, Vision, and Goals Statement of the Commission in packet materials (Tab 12). One priority is for all children to have coverage by 2010. A topic the Commission has discussed is a need for public agencies to target funding only to effective programs and practices. The Legislature should be able to use recommendations from the Commission to change public programs and funding. In the short term, however, it is likely to have only minor effects on the private sector. Changes will likely be incremental. Success in moving forward will require bipartisan support. The November meeting

of the Commission will be a working retreat. A lot of opinion from stakeholders has been about what not to change, and nothing on what to change.

Craig McLaughlin said that he worked with the Board's Access Committee and developed a proposal for the Commission. Besides assuring the menu of critical health services, it focused on reintegrating public health and medical services (prevention) and encouraging a centralized risk pool to lower administrative costs. Additionally, it recommended that insurance systems should allow for migration away from an employer-based system. As a result of the written proposal, the Board was invited to address a Commission panel on benefits design. The panel's discussions seemed to focus on pooling coverage vs. making sure low risk individuals have access to affordable individual coverage. Member VanDusen asked that the Board be kept informed of Commission decisions.

ADJOURNMENT

Dr. Kim Marie Thorburn, WSBOH Chair, adjourned the meeting at 4:02 p.m.